

**FILED**

**FOR PUBLICATION**

NOV 21 2012

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICHARD DALE STOKLEY,

Petitioner - Appellant,

v.

CHARLES L. RYAN,

Respondent - Appellee.

No. 09-99004

D.C. No. 4:98-CV-00332-FRZ

District of Arizona,

Tucson

ORDER

Before: McKEOWN, PAEZ, and BEA, Circuit Judges.

The Order issued on November 15, 2012, is withdrawn and an Amended Order is filed concurrently with this order. With that amendment, Judges McKeown and Bea vote to deny Stokley's petition for panel rehearing and Judge Paez votes to grant the petition. No further petitions for panel rehearing will be entertained.